

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

*

v.

*

Criminal No. ELH-16-0155

MICHAEL KEY

*

* * * * *

MOTION TO SUPPRESS EVIDENCE

Comes now Mr. Michael Key, by and through his undersigned counsel, James Wyda, Federal Public Defender for the District of Maryland and Christian Bryan Lassiter, Assistant Federal Public Defender, hereby moves this Honorable Court, pursuant to Rule 12 (b)(3) of the Federal Rules of Criminal Procedure, to suppress any evidence seized in violation of the United States Constitution and any other law, and as grounds states the following:

1. The government has charged Michael Key with being a felon in possession of a firearm and ammunition in violation of 18 U.S.C. § 922(g).

2. On or about October 19, 2015, Baltimore City Police arrested Mr. Key based upon the factual allegations underlying the charge in this indictment. The police officer did not have reasonable suspicion or probable cause to believe that Mr. Key was, or had been, involved in criminal activity at the time of his arrest. As a result, the seizure, search, and arrest of Mr. Key violated Mr. Key's 4th Amendment rights. Therefore, all evidence, direct and derivative, secured as a result of the unlawful seizure, search, and arrest of Mr. Key should be suppressed. *See generally Weeks v. United States*, 232 U.S. 383 (1914) (establishing the exclusionary rule

that bars the use of illegally obtained evidence at trial); *Wong Sun v. United States*, 371 U.S. 471 (1963).

3. Because the discovery process and the investigation of this case is incomplete, Mr. Key reserves the right to move for suppression of evidence based on grounds not now discernible, and if additional discovery, facts, information, or evidence is produced, discovered, or presented in the future. Moreover, Mr. Key reserves the right to supplement this motion with additional arguments and information.

WHEREFORE, Mr. Key requests that this Court grant an Order of Suppression on the grounds alleged herein and any other grounds that may become apparent upon a hearing on the motion.

Respectfully submitted,

JAMES WYDA
Federal Public Defender for the District
of Maryland

August 5, 2016

_____/s/
CHRISTIAN BRYAN LASSITER, #805576
Assistant Federal Public Defender
100 South Charles Street
Tower II, 9th Floor
Baltimore, Maryland 21201
Phone: (410) 962-3962
Fax: (410) 962-0872
Email: Christian_Lassiter@fd.org

CERTIFICATE OF SERVICE

I hereby certify that on August 5, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification to all counsel of record.

/s/
Christian Bryan Lassiter, #805576
Assistant Federal Public Defender